



City of Seattle

Gregory J. Nickels, Mayor

Department of Planning and Development

D. M. Sugimura, Director

**CITY OF SEATTLE
ANALYSIS AND DECISION OF THE DIRECTOR OF
THE DEPARTMENT OF PLANNING AND DEVELOPMENT**

Application Number: 2208249
Applicant Name: Wayne Ivary
Address of Proposal: 2249 Northeast 46th Street

SUMMARY OF PROPOSED ACTION

Master Use Permit for construction of 2, four-unit apartment buildings with garage parking for 12 vehicles in an environmentally critical area.

The following approval is required:

SEPA - Environmental Determination – (Seattle Municipal Code Chapter 25.05)

SEPA DETERMINATION: ☐ Exempt ☒ DNS ☐ MDNS ☐ EIS
☐ DNS with conditions
☐ DNS involving non exempt grading or demolition or involving
another agency with jurisdiction.

BACKGROUND INFORMATION

Site and Vicinity Description

This approximately 6,835 square foot (sq. ft.) rectangular-shaped through lot is located in a Lowrise 3 zone, on the south side of Northeast 46th Street and the north side of Northeast 45th Street. An existing one-story single family residence with a basement, detached storage shed and detached garage resides on the site. The site is accessed via Northeast 46th Street which is a non-arterial paved dead end street with curbs, gutters and sidewalks. Northeast 45th Street is a viaduct supported approximately 10' above the site's ground surface on wood timbers.

Most of the site is relatively flat but a portion of the site is identified as Environmentally Critical Area (ECA)-Steep Slope and (Methane-producing) Abandon Landfill. The existing residence is situated in the southern portion of the site. The topography at the northern edge of the site slopes steeply down towards the north, and the remainder of the ground surface north of the residence slopes gently to

moderately down towards the east. The ground surface south of the residence slopes moderately to steeply down towards the south boundary. The site is vegetated with lawn, mature trees and bushes. A 5' retaining wall is located along the east property line and retains fill within the site. A 5' high rockery and stairs are located along the northern property line and two-tiered rockeries are near the southwest corner of the subject site.

Adjacent zoning surrounding the site is as follows:

| | |
|-------|---|
| North | Lowrise (L-3) |
| East | Lowrise Duplex Triplex (LDT) |
| South | Major Institution Overlay/Midrise (MIO-60/MR) |
| West | Lowrise (L-3) |

Adjacent uses are as follows

| | |
|-------|---------------------------------|
| North | Apartments |
| East | Apartments |
| South | University of Washington Campus |
| West | Apartments |

Proposal

The applicant proposes to construct two (2) three-story four unit apartment buildings connected by a third-story bridge and partially below grade basement parking garage in an environmentally critical area (Steep Slope and Abandoned Landfill). Parking for 12 vehicles is proposed within the structure. Vehicular access to the basement parking garage is proposed via an ingress/egress easement across the property immediately east of the site fronting on Northeast 46th Street. All existing structures will be demolished. Proposal includes grading approximately 1,150 cubic yards of material to allow for the proposed building's foundation.

Public Comments

The required public comment period ended on August 6, 2003. DPD received three written comments regarding this proposal. The neighbor's objections regarding this proposal focused on the following issues:

- Concerns regarding increased traffic congestion on a very steep, narrow and sometimes slippery street.
- Concerns regarding the future impact to on-street parking demand.
- Concerns about future access by garbage/solid waste and emergency vehicle access to the subject lot and neighboring properties.

ANALYSIS - SEPA

The proposal site is located in a steep slope critical area, thus the application is not exempt from SEPA review. However, SMC 25.05.908 provides that the scope of environmental review of projects within critical areas shall be limited to: 1) documenting whether the proposal is consistent with the City's Environmentally Critical Areas (ECA) regulations in SMC 25.09; and 2) Evaluating potentially significant impacts on the critical area resources not adequately addressed in the ECA regulations. This

review includes identifying additional mitigation measures needed to protect the ECA in order to achieve consistency with SEPA and other applicable environmental laws.

Environmental review resulting in a Threshold Determination is required pursuant to the Seattle State Environmental Policy Act (SEPA), WAC 197-11, and the Seattle SEPA Ordinance (Seattle Municipal Code Chapter 25.05)

The initial disclosure of the potential impacts from this project was made in the environmental checklist submitted by the applicant dated June 27, 2003. The information in the checklist, public comment, and the experience of the lead agency with review of similar projects form the basis for this analysis and decision.

The Department of Planning and Development has analyzed and annotated the environmental checklist submitted by the project applicant; reviewed the project plans and any additional information in the file; and any comments which may have been received regarding this proposed action have been considered. As indicated in the checklist, this action will result in adverse impacts to the environment. However, due to their temporary nature and limited effects, the impacts are not expected to be significant.

Codes and development regulations applicable to this proposed project will provide sufficient mitigation and no further conditioning or mitigation is warranted pursuant to the SEPA Overview Policy (SMC 25.05.665).

The SEPA Overview Policy (SMC 25.05.665) clarifies the relationship between codes, policies, and environmental review. Specific policies for each element of the environment, and certain neighborhood plans and other policies explicitly referenced, may serve as the basis for exercising substantive SEPA authority. The Overview Policy states, in part, *“Where City regulations have been adopted to address an environmental impact, it shall be presumed that such regulations are adequate to achieve sufficient mitigation”* subject to some limitations. Under such limitations or circumstances (SMC 25.05.665 D) mitigation can be considered. Thus, a more detailed discussion of some of the impacts is appropriate. Short-term and long-term adverse impacts are anticipated from the proposal.

Short-term Impacts

The following temporary or construction-related impacts on the environmentally critical area are expected: 1) increased vibration from construction operations and equipment; and 2) temporary soil erosion. These impacts are not considered significant because they are temporary and/or minor in scope (SMC 25.05.794).

City codes and/or ordinances apply to the proposal and will provide mitigation for some of the identified impacts. Specifically these are: 1) Regulations for Environmentally Critical Areas and 2) Stormwater, Drainage and Grading Code (temporary soil erosion).

Earth

The ECA Ordinance and Directors Rule (DR) 3-93 require submission of a soils report to evaluate the site conditions and provide recommendations for safe construction in areas with steep slopes,

liquefaction zones, and/or a history of unstable soil conditions. Pursuant to this requirement the applicant submitted a geotechnical engineering study prepared by Khaled M. Shawish, P.E. dated June 5, 2003. The report evaluates the soil and site conditions and provides recommendations for erosion and drainage controls, slope stability, grading and earthwork and foundation construction. The construction plans, including shoring of excavations as needed and erosion control techniques will be reviewed by DPD. Additional information required showing conformance with the Environmentally Critical Areas Ordinance will be required prior to issuance of building permits.

The Stormwater, Grading and Drainage Control Code requires preparation of a soils report to evaluate the site conditions and provide recommendations for safe construction on sites where grading will involve cuts or fills of greater than three feet in height or grading greater than 100 cubic yards of material. The Stormwater, Grading and Drainage Control Code provides extensive conditioning authority and prescriptive construction methodology to assure safe construction techniques are used, therefore, no additional conditioning is warranted pursuant to SEPA policies.

Long-term Impacts

Potential long-term impacts that may occur as a result of this project include increased surface water runoff from greater site coverage by impervious surfaces. This long-term impact is not considered significant because the impacts are minor in scope.

DECISION - SEPA

The responsible official on behalf of the lead agency made this decision after review of a completed environmental checklist and other information on file with the department. This constitutes the Threshold Determination and form. The intent of this declaration is to satisfy the requirement of the State Environmental Policy Act (RCW 43.21.C), including the requirement to inform the public of agency decisions pursuant to SEPA.

- [X] Determination of Non-Significance. This proposal has been determined to not have a significant adverse impact upon the environment. An EIS is not required under RCW 43.21C.030(2)(C).
- [] Determination of Significance. This proposal has or may have a significant adverse impact upon the environment. An EIS is required under RCW 43.21C.030(2)(C).

CONDITIONS - SEPA

None.

Signature: _____
(signature on file)
Tamara Garrett, Land Use Planner
Department of Planning and Development

Date: March 13, 2006